

33,359-00P



533 Rec'd PCT/PTO 03 JUL 2000

PCT #4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen A. Udem et al.
Serial No. : 09/508,913
Filed : March 16, 2000
For: Attenuated Respiratory Syncytial Viruses
Examiner : To be Assigned
Group Art Unit : To be Assigned

June 30, 2000

BOX MISSING PARTS
Hon. Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) and the accompanying

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

6/30/00

Date

Alan M. Gordon

Alan M. Gordon

Notification of a Defective Oath or Declaration (copies of both documents are enclosed). These Notifications were mailed May 30, 2000, and Applicants were given one month to respond. Thus, the deadline for a response is June 30, 2000.

This response is accompanied by the surcharge of \$130.00 in accordance with 37 C.F.R. 1.492(e). Please charge this amount to Deposit Account No. 01-1300. If any other fees are due, the Commissioner for Patents is hereby authorized to charge any such fees to Deposit Account No. 01-1300. A duplicate of this Response is enclosed.

The Notification of a Defective Oath or Declaration states that the Declaration which accompanied the entry of the International Application Number PCT/US98/19145 into the National Stage in the United States did not identify the citizenship of the fourth inventor.

A copy of the signature page of that Declaration is enclosed. This page makes it clear that there are only three inventors of this application. The names, addresses and countries of citizenship are typed out for only the three named inventors, Drs. Udem, Sidhu and Randolph. Each signed and dated the Declaration in the proper places.

However, Dr. Udem also signed and dated after the line on the form for "Full name of FOURTH JOINT INVENTOR". However, no name, address or country of citizenship was typed in for any fourth inventor, because there is no fourth inventor. Dr. Udem inadvertently signed and dated the Declaration in two places.

Applicants respectfully submit that the three properly named inventors have executed this Declaration and, therefore, the inadvertent extra signature of one of those inventors should be disregarded and the Declaration accepted, so that the application may be examined.

Respectfully submitted,



Alan M. Gordon
Registration No. 30,637
American Home Products Corp.
Patent Law Department - 2B
One Campus Drive
Parsippany, NJ 07054
(973) 683-2157
Attorney for Applicants



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

RECEIVED
JUN 6 2000
By _____

U.S. APPLICATION NO	FIRST NAMED APPLICANT	ATTY/DOCKET NO.
09/508913	UDEM	S 33359-01P
ALAN M GORDON AMERICAN HOME PRODUCTS CORPORATION ONE CAMPUS DRIVE PARSIPPANY, NY 07054		INTERNATIONAL APPLICATION NO
		PCT/US98/19145
1A. FILING DATE		PRIORITY DATE
15 SEP 98		19 SEP 00
DATE MAILED: 30 MAY 2000		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494),
 an Elected Office (37 CFR 1.495);

 U.S. Basic National Fee.
 Copy of the international application in:
 a non-English language.
 English.

 Translation of the international application into English.
 Oath or Declaration of inventors(s) for DO/EO/US.
 Copy of Article 19 amendments.
 Translation of Article 19 amendments into English.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.
 Preliminary amendment(s) filed _____ and _____
 Information Disclosure Statement(s) filed _____ and _____
 Assignment document.
 Power of Attorney and/or Change of Address.
 Substitute specification filed _____.
 Verified Statement Claiming Small Entity Status.
 Priority Document.
 Copy of the International Search Report and copies of the references cited therein.
 Other:

10-30-00
Ad 6/23/00

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled.

Note processing fee will be required if submitted later than the priority date.

5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response

Enclosed:

- PCT/DO/EO/917
 PTO-875

FORM PCT/DO/EO/905 (December 1997)

- Notice of Defective Translation

COTTMAN, DARRELL C.

Telephone: 703-305-3693